

1 **WAGANAKISING ODAWAK STATUTE _____**
2 **ODAWA GAMING ENTERPRISE MANAGEMENT STATUTE**
3
4
5

6 **SECTION I. PURPOSE AND TITLE**
7

8 The Little Traverse Bay Bands of Odawa Indians (the “Tribe”) exercises powers of self-
9 government over its Citizens and territory. In accordance with Article VII (D) (4), the purpose of
10 this Statute is to govern the issuance of the Little Traverse Bay Bands of Odawa Indians charter
11 of incorporation for economic purpose, to provide for the management of the Gaming
12 Commercial Enterprises and to delegate such management to a Tribally chartered corporation in
13 accordance with Article VII (D) (24) and regulate such tribally chartered corporation activities in
14 accordance with Article VII (D) (4).
15 .
16

17 **SECTION II. DEFINITIONS**
18

19 **A.** *“Gaming Commercial Enterprises”* means the Odawa Casino Resort and ancillary
20 enterprises and activities.
21

22 **B.** *“Gaming Regulatory Commission”* means the Little Traverse Bay Bands of Odawa
23 Indians Gaming Regulatory Commission established pursuant to Waganakising Odawak Statute
24 2005-06, May 15, 2005.
25

26 **C.** *“Indian Gaming Regulatory Act”* means 25 U.S.C. §§ 2701-2721.
27

28 **D.** *“Odawa Casino Resort”* means the gaming enterprise, including related hotel and
29 restaurant services, of the Tribe located in Petoskey, Michigan, wherein the Tribe operates Class
30 II and Class III gaming to generate governmental revenue for the Tribe pursuant to the Indian
31 Gaming Regulatory Act.
32

33 **E.** *“Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians”* means
34 *“areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries*

1 of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs 'third
2 and fourth' of the Treaty of 1855, 11 Stat.621." Little Traverse Bay Bands Constitution, Article
3 V(A)(1)(a).

4
5 **F.** "Tribe" or "LTBB" means the Little Traverse Bay Bands of Odawa Indians.

6
7 **G.** "Tribal Constitution" means the Little Traverse Bay Bands of Odawa Indians
8 Constitution as adopted by its membership on February 2, 2005.

9
10 **H.** "Tribe Council" means the elected body of nine Tribal members of Little Traverse Bay
11 Bands of Odawa Indians with duties found in the Tribal Constitution Article VII.

12
13
14 **SECTION III. CREATION OF THE ODAWA GAMING ENTERPRISE MANAGEMENT, INC.**
15 **CORPORATE CHARTER**

16
17 **A.** A tribally chartered corporation is authorized by this Statute and shall be named the
18 "Odawa Gaming Enterprise Management, Inc." The organization is recognized by the approval
19 of the tribal corporation charter; "Odawa Gaming Enterprise Management, Inc" by Tribal
20 Council.

21
22 **B. Eligibility**

23
24 To serve on the board a person must meet all of the following criteria:

- 25
26 1. A person must be an enrolled member of the Tribe at least eighteen years of age;
27
28 2. The appointee must be licensed under the Tribe's Gaming Regulatory Ordinance;
29
30 3. No person can serve on the board who is employed by the Enterprises or any
31 other facility or enterprise conducting Gaming, or any other Federally Recognized Indian
32 Tribe;
33
34 4. No person can serve on the board who is employed by the LTBB Tribal

1 Government.

2
3 5. No person can serve on the board within seven (7) years of completion of a
4 sentence or probation upon being convicted of a felony in tribal, state or federal court,
5 unless such conviction has been vacated or overturned.

6
7 6. To be considered for the board, a person should meet one of the following desired
8 criteria:

- 9
10 i. Three (3) years of business or financial management experience.
11 ii. Three (3) years of gaming or hospitality management experience.
12

13 **C. Appointments**

14
15 1. Members of the board are appointed by a majority vote of Tribal Council for a
16 three (3) year term. The initial appointments to the board shall be staggered.

17
18 2. Any board member may resign at any time by delivering a written notice of
19 resignation to the Chairperson of the board.

20
21 3. The Chairperson and Secretary shall be selected amongst the board.
22

23 **D. Removal**

24
25 1. Board members may be removed by a majority vote of Tribal Council.
26

27 2. Board members may recommend removal for cause by a majority vote of the
28 board excluding the board member in question. Reasons for removal are misconduct,
29 neglect of duties, violations of Tribal law or board policy including failure to attend three
30 (3) consecutive unexcused board meetings.
31

32 **SECTION XI. MEETINGS**

33
34 **A.** The board shall hold a meeting or work-session at least once a month.

1
2 **B.** The board shall develop meeting and work-session policies and procedures.
3

4 **C.** Board meetings shall be open to Tribal Citizens. Closed session may be held only for the
5 purposes of personnel, litigation, confidential business or legal matters, or other matters that raise
6 significant privacy or confidentiality concerns.
7

8 **D.** Notice of meetings or work-session shall be posted forty-eight (48) hours in advance.
9

10 **E.** Board business that requires immediate attention may be conducted by a telephone
11 conference call. Any action taken on such call shall be recorded in the minutes of the next
12 regularly scheduled meeting. The board Secretary or designee shall attempt to notify each of the
13 board members of the conference call by any practical means including telephone, fax, e-mail or
14 in person and must certify that an attempt was made to contact each board member. No
15 compensation will be paid for telephone conference calls.
16

17 **F.** Emergency meetings may only be called when immediate action is necessary for the
18 preservation or promotion of essential interests of the Tribe or the Enterprises. The emergency
19 action taken must be ratified at the next regular meeting of the board, and the minutes must state
20 the reason such emergency action was necessary.
21

22 **G.** A quorum for a board meeting shall consist of a majority of the sitting board members. A
23 meeting may not be called to order without a quorum present and no official business shall be
24 conducted without a quorum.
25

26 **H.** A work-session does not require a quorum. No official action shall be taken at a work-
27 session. Work-session shall remain open and shall not include a closed session.
28
29

30 **SECTION XII. COMPENSATION**

31

32 The board members shall be compensated, subject to the availability of funds, for the following:
33

34 **A.** One-hundred and fifty dollars (\$150.00) per day stipend for attendance at meetings or

1 work sessions that are approved by board motion.

2
3 **B.** One-hundred dollars (\$100.00) per day stipend for attendance at training, conferences or
4 other functions approved by board motion.

5
6 **C.** Board members shall only receive one stipend per day for activities performed under both
7 subsection (A) and (B) within the same day. The stipend shall not be combined.

8
9 **D.** The board shall adhere to the Tribal travel policies for reimbursement of travel expenses.

10
11
12 **SECTION XIII. EMPLOYMENT WITH TRIBAL ENTERPRISES**

13
14 A member of the board shall not be employed in any capacity with the Enterprises for a period of
15 forty-five (45) days, after leaving the board.

16
17
18 **SECTION XIV. FAMILY RELATIONS**

19
20 **A.** For Purposes of this Statute, two (2) or more members of the same immediate family
21 shall not serve on the board at the same time. Further, a person shall not serve on the board if the
22 General Manager, Director of Finance, Internal Auditor, any Tribal Council member is an
23 immediate family member. For purposes of this section immediate family means husband, wife,
24 son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother,
25 mother-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, child, step-
26 child or a person whose relationship with the Authority member is similar to that of persons who
27 are related by blood or marriage.

28
29 **B.** No board member may participate in making any decision that involves a personal or
30 financial interest of the board member or a member of his or her immediate family unless such
31 interest is held in common with the Tribe and its Citizens.

32
33
34 **SECTION IV. SCOPE OF ACTIVITIES**

1
2 **A.** The Odawa Gaming Enterprise Management, Inc. is authorized to conduct the following
3 enterprise activities:
4

- 5 1. Gaming activities authorized under the Tribal-State Gaming Compact.
- 6
- 7 2. Hotel and recreational vehicle activities.
- 8
- 9 3. Entertainment and conference activities.
- 10
- 11 4. Dining and banquet activities.
- 12
- 13 5. Activities reasonably related to the above.
- 14
- 15 6. Other activities as may be authorized from time to time by amendments to this
16 Statute.
17

18 **B.** The Odawa Gaming Enterprise Management, Inc. shall be assigned those assets as
19 existed and are currently within the possession of the Odawa Casino Resort including real
20 property, tangible and intangible properties. Such assets shall be held by the Odawa Gaming
21 Enterprise Management, Inc. on behalf of the Tribe and shall be managed to provide long term
22 revenue for Tribal governmental programs and activities. The assets assigned in this Statute shall
23 be independently managed by the Odawa Gaming Enterprise Management, Inc.
24
25

26 **SECTION V. MANAGEMENT; STRUCTURE AND FUNCTION**
27

28 **A.** The day-to-day activities of the Odawa Casino Resort shall be managed by a General
29 Manager or Interim Manager or such designee, hired by the Odawa Gaming Enterprise
30 Management, Inc.
31

32 **B.** The day-to-day financial activities of the Odawa Casino Resort shall be managed by a
33 Chief Financial Officer (CFO) or Interim (CFO) or such designee, hired by the Odawa Gaming
34 Enterprise Management, Inc.

1
2 **C.** The legal services of the Odawa Gaming Enterprise Management, Inc. shall be provided
3 by Enjinaaknegeng with approval of the Tribal Chairperson, or such other attorneys as approved
4 by Tribal Council.
5

6 **D.** The Odawa Gaming Enterprise Management, Inc. shall have sole authority and
7 responsibility for managing the Odawa Casino Resort, through its General Manager, in
8 accordance with the policies, internal controls, Statutes, Resolutions, regulations as approved by
9 Tribal Council.
10

11 **E.** The Odawa Gaming Enterprise Management, Inc. shall abide by all federal laws and
12 regulation as may be applicable.
13

14 **F.** It is the duty of the Odawa Gaming Enterprise Management, Inc. to monitor activities and
15 operations to provide guidance to the management of the operations.
16

17 **G.** It is the duty of the Odawa Gaming Enterprise Management, Inc. to protect assets of the
18 Tribe and generate revenues to support Tribal Governmental Services and Programs.
19

20 **H.** It is the duty of the Odawa Gaming Enterprise Management, Inc. to maintain and increase
21 the number of Tribal members in employment and management level positions.
22

23 24 **SECTION VI. REPORTING TO TRIBAL COUNCIL** 25

26 **A.** In order to regulate, the Odawa Gaming Enterprise Management, Inc. shall report to the
27 Tribal Council on the following information regarding the Odawa Gaming Enterprise
28 Management, Inc. and the Odawa Casino Resort at the regularly scheduled Tribal Council
29 Meetings or such special meetings as requested by the Tribal Council:
30

- 31 1. Annual operating plan;
- 32
- 33 2. Financial performance measures;
- 34

3. Audits, whether internal or external;
4. Financial records or statements;
5. Personnel statistics, including Indian preference, hiring, retention, disciplinary actions, grievances, etc.;
6. Compliance reports, whether internal or external;
7. Gaming Regulatory Commission notices of noncompliance, licensing activities of the Odawa Casino Resort or its employees, and other Gaming Commission actions.
8. Tribal Council may request reports regarding all aspects of the Odawa Gaming Enterprise Management, Inc.

SECTION VII. FINANCING OF THE ODAWA GAMING ENTERPRISE MANAGEMENT, INC. AND ACTIVITIES

A. The annual budget for the Odawa Gaming Enterprise Management, Inc. shall be approved by Tribal Council in accordance with the Budget Formulation Statute or such other approval process as designated by the Tribal Council.

B. Tribal Council shall approve all requests for financing activities of the Odawa Gaming Enterprise Management, Inc. Financing activities as used in this Statute means purchases, remodeling, construction, and other activities that require the utilization of loan documents, letters of credit, and other banking and non-banking activities which require borrowing funds. The Odawa Gaming Enterprise Management, Inc. is not authorized to enter into financing approval without prior ratification by the Tribal Council.

SECTION VIII. SAVING CLAUSE

1 In the event that any phrase, provision, part, paragraph, subsection or section of this
2 statute is found by a court of competent jurisdiction to violate the Constitution, laws, ordinances
3 or statutes of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part,
4 paragraph, subsection or section shall be considered to stand alone and to be deleted from this
5 statute, the entirety of the balance of the statute to remain in full and binding force and effect.
6
7

8 **SECTION IX. EFFECTIVE DATE**
9

10 Effective upon signature of the Executive or thirty (30) days from Tribal Council
11 approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal
12 Council override of the veto.